

FISH and WILDLIFE COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: December 5, 2018

Agenda Item: Thompson Fisher Conservation Easement Amendment – Encroachment Issue Resolution

Division: Wildlife

Action Needed: Endorsement

Time Needed on Agenda for this Presentation: 5 minutes

◆-----◆

Background

Montana Fish, Wildlife & Parks proposes to resolve a third-party encroachment issue on the Thompson Fisher Conservation Easement (2003), which covers ~142,000 acres of land owned by Weyerhaeuser located in Flathead, Lincoln, and Sanders counties. The encroachment issue involves seven different parcels of land that are owned by Montana's Department of Natural Resources. Each parcel is adjacent to the CE and lies along the Thompson River. The parcels provide for cabin leases with structures or other improvements that partially or in whole encroach onto the CE property. The encroachments in total equal 1.63 acres of land. All the improvements that encroach onto the CE were constructed before the inception of the CE.

To resolve this issue, FWP intends to amend the CE, removing the 1.63 acres of encroached land from the CE, and in exchange, replace and offset with 5 acres of land Weyerhaeuser has generously offered to include into the CE. The replacement parcel of land is adjacent to the existing CE and located nearby on the Little Thompson River (see map). The replacement parcel is similar in characteristic to the cabin lease parcels.

The net gain of 3.37 acres of land that would be added by the amendment would provide a conservation gain, protecting additional acres of prime riparian habitat along the Little Thompson River and disposing of developed parcels of land with little to no conservation value. The gain in acreage is also the basis for bringing this proposal to the commission for consideration, which is consistent with the FWP Conservation Easement Amendment Policy and Conservation Easement Enforcement Policy (both are included in the commission packet).

No money would be exchanged to complete the proposed amendment.

Public Involvement Process & Results

There has been no other public involvement to date. Forest Legacy dollars were used in the purchase of the CE and FWP has received approval from the United States Forest Service to proceed with this proposed amendment. Upon endorsement by the commission, this proposal would be made available for public review.

Alternatives and Analysis

Over the years, a variety of potential solutions have been discussed with DNRC and Plum Creek/Weyerhaeuser. All parties are now finally in agreement that this is the best alternative tailored to resolve this issue.

Agency Recommendation & Rationale

FWP recommends the commission endorse this proposal. This amendment would resolve a long-standing encroachment issue on the Thompson Fisher Conservation Easement.

Proposed Motion

I move the Fish and Wildlife Commission endorse this proposed expansion of the Thompson Fisher Conservation Easement.